

August 25, 1976

## CONGRESSIONAL RECORD—HOUSE

H 9067

White House conference on marriage and the family would provide an organized, disciplined, and potentially invaluable approach to the issues and problems facing American marriages and families today.

As in previous White House conferences on the economy, or the problems of the aging, we feel that interested citizens, professionals, and Government experts can all gain insight into the interdependence of their particular points of view.

Most important, we feel that a top-level conference presents an opportunity for mutual understanding, and even enlightenment.

The White House conference our legislation proposes would bring together men and women prepared to discuss how Federal laws and policies inadvertently subvert marriage and the family. The conference would allow parents and educators to discuss with law enforcement officers and social scientists, religious leaders and legislators how the "generation gap" really affects our society, and to see if "alienation" is the inevitable price we must pay for social change.

In short, the potential topics for debate and discussion are as varied as the American people themselves, and the prospects for progress are as rich as the experience of our people.

We have lived through a time of reassessment in foreign policy, domestic politics, and our spiritual life. It is clear that a national conference on marriage and the family can help all of us focus the resources and talents of our people toward the positive goal of adapting the family to the needs of the present, and the goals of the future.

A copy of my resolution follows with a lot of our cosponsors:

## H. CON. RES. 723

Mr. WOLFF (by request) and Mrs. FENWICK and Mr. BURKE of Massachusetts, with Mr. PEPPER, Mr. ROE, Mr. LaFALCE, Mr. ELBERG, Mr. EDGAR, Mr. WON PAT, Mr. COTTER, Mr. BEDALL, Mr. SCHEUER, Mr. DOWNEY, Mr. HOWE of Utah, Mr. CONTE, Mr. FRASER, Mr. MAZZOLI, Mr. RIEGLE, Mrs. HECHLER and Mr. CONABLE submitted the following concurrent resolution; which was referred to the Committee on Education and Labor.

Whereas marriage is an institution fundamental to American society; and

Whereas the family is the foundation whereupon this Nation grows; and

Whereas it is necessary to reaffirm the goals and values of marriage and family life in a rapidly changing society; Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring).* That it is the sense of the Congress that the President call a White House Conference on Marriage and the Family in order to establish a national understanding of the role played by marriage and the family in the development of a viable society.

Mr. BURKE of Massachusetts. Mr. Speaker, the question of whether our own Government is encouraging the debilitation of its family unit is of very great concern to me. Such a serious matter deserves immediate attention from all of us. The family is a very small social unit, yet, it reflects the characteristics of the larger society in which it thrives. It literally is the "backbone of society." When marriages fail, when divorces, wife-beatings, and teenage

runaways has increased, it is frightening. The statistics are telling us that the family structure is progressively deteriorating and we ought to respond with a united effort to examine this symptom and cure it.

We need to determine what the relationship between the family and the Government actually is. Is it an overly paternalistic government that fosters a dependent and weak society? Do individuals rely more on institutions and agencies for assistance than they do on their own families? The questions are numerous and need to be considered and discussed. We need to bring to light those areas of Government that actually resist our efforts to cultivate and maintain a healthy and stable country. One area that is an example of this self-destructive trend is that of institutionalizing the aged. In other countries the elderly enjoy their later years as highly respected and honored members of their communities on whom the young rely for advice and guidance.

In our country, growing old has become a fear to many. No one wants to be threatened by the possibility of residing in a nursing home, which oftentimes is a very lonely and unhappy existence. Our parents and grandparents are alienated from their families and friends and receive little of the attention and support they deserve. Yet, due to the modern facilities these institutions offer and the financial burden an additional dependent puts on a family, the elderly are forced into an unfortunate dilemma. Mr. WOLFF has cited numerous other examples of how federally funded agencies lead to this decline of our families. Any system that penalizes its members for their contributions to society, as in the case of the day-care centers that he mentioned, or that encourages parents to desert their children, as in the case of some welfare families; any such system is very seriously weakened. It needs to be reviewed and helped back on its feet.

For these reasons, I think that a White House conference on marriage and the family is essential. Such national attention would provide us with the opportunity and organization needed to explore these various issues of concern, with men and women from all areas in society. It would allow us to reevaluate these problems which we all share as human beings and begin to restore our faith in the American family and the future of our country.

Mrs. FENWICK. Mr. Speaker, I would like to join with my colleague from New York in this resolution which is concerned with two fundamental institutions of our society—the family and marriage. Every responsible citizen—and certainly every serious legislator—is troubled by the pressures these institutions are experiencing, pressures which have produced an alarming rise in the divorce rate, a separation between the generations which leaves many elderly people lonely and alone, and a loosening of family bonds which allows too many young people without proper discipline or emotional support.

That Government itself has contributed to this situation should not be denied. By an unfortunate quirk

of the income tax laws, two young people—both working for modest wages—are discouraged from marrying by the increase in taxes they would incur. Public housing for the elderly may have regulations which prohibit visits by children—even in the daytime—so grandparents cannot invite grandchildren for lunch, or babysit for a working daughter.

These practices and others like them should be carefully studied and we should discover many more, and receive many valuable suggestions for reform, in a conference convened for the purpose. The fundamental institutions of our civilization—marriage and the family—must receive the attention they deserve and, most unfortunately, seem to need more and more every day.

## GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks, and to include extraneous matter, on the subject of the special order taken today by the gentleman from New York (Mr. WOLFF).

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

#### THE ADMINISTRATION OF THE FREEDOM OF INFORMATION ACT: A SUMMARY OF EXECUTIVE BRANCH ANNUAL REPORTS FOR 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Ms. ABZUG), is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, I wish to share with my colleagues a report prepared by the Library of Congress for the Subcommittee on Government Information and Individual Rights, which I chair, concerning the administration of the Freedom of Information Act. The report is based on an analysis of information supplied to the subcommittee as required by the Freedom of Information Act. The statements required to be filed with the Congress by each agency under the amended FOIA are available in the subcommittee office. The attached is an analysis of some of that material, and supplements the report which I submitted for the CONGRESSIONAL RECORD on August 9, 1976, pages H8540-8543.

It should be noted again that various agencies rely upon certain statutory authority to withhold information at the administrative level although the same statutes had not been invoked in initially denying the request. The analysis also describes the exemptions most frequently used and a tabular breakdown is supplied.

I also want to call attention to the fact that the number of "denials" may be greater than indicated since very often a document is provided full of deletions, but may not be considered to be a denial by the agency.

The attached tabular summary follows:

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## THE ADMINISTRATION OF THE FREEDOM OF INFORMATION ACT: A SUMMARY OF EXECUTIVE BRANCH ANNUAL REPORTS FOR 1975

Pursuant to the annual report requirement of the amended Freedom of Information Act (5 U.S.C. 552(d)), some ninety Federal departments and agencies complied accounts of their experience with the FOI Act during calendar year 1975. The following narrative, with accompanying tables, summarizes the general trends reflected in the Executive Branch reports. An earlier study of these documents (see *Congressional Record*, v. 122, August 9, 1976: H8540-H8543) critically analyzed their contents.

With regard to the general volume of denials of requests for government records made pursuant to the FOI Act, the Department of Defense indicated the largest such total, though this amounted to only 12 per cent of the total volume of requests received by the Department. By comparison, the Justice Department reported the second highest number of denials, but these constituted 16 per cent of the total FOI Act requests received by that entity. Although the Agriculture Department did not have statistics on the total volume of FOI Act requests it received, the four Executive Branch units indicating the highest total of refusals were:

Unit	De-nials	Re-quests	Per-cent
Department of Defense	5,197	44,403	12
Department of Justice	3,987	24,462	16
Department of Agriculture	1,427	(1)	--
Department of the Treasury	1,371	20,977	7

1 Not available.

A number of agencies reported making no denials under the Act. This results from either a relatively low volume of reports pursuant to the law or the total absence of such inquiries.

In considering the exemptions of the Freedom of Information Act (5 U.S.C. 552(b)), invoked by the Executive Branch departments and agencies, the investigatory files provision (5 U.S.C. 552(b)(7)) appeared to be the most heavily utilized at both the initial denial stage (39 per cent of the citations) and the appellate level (33 per cent of the citations). This exemption, of course, was modified by the 1974 amendments (P.L. 93-502) to the FOI Act to make it applicable under very specific criteria to investigatory

files. The second most utilized FOI Act exemption during 1975 was the inter-agency/intra-agency memorandum provision (5 U.S.C. 552(b)(5)).

As noted in the earlier analysis of the 1975 FOI Act reports, some respondents appeared to rely upon statutory authority to withhold information (in conjunction with 5 U.S.C. 552(b)(3)) at the administrative appeal level although these same statutes had not been invoked in initially denying a request. Such isolated appellate citations were made by the following entities:

## UNIT AND ISOLATED APPELLATE CITE

Dept. Commerce: 13 U.S.C. 8; 44 U.S.C. —  
Dept. Health, Education and Welfare: 42 U.S.C. 276.  
Dept. Labor: 42 U.S.C. 2000c3(e).  
Dept. Treasury: 5 U.S.C. 552a; 26 U.S.C. 6106.  
Civil Aeronautics Board: 49 U.S.C. 1504.  
Civil Service Commission: 17 U.S.C. —

Also, there were instances when agencies indicated a greater number of citations for a particular statute (invoked in conjunction with 5 U.S.C. 552(b)(3)) at the appellate stage than at the initial request level. The entities and statutory provisions reflective of this pattern were:

## UNIT AND CITATION AT ISSUE

Dept. Treasury: 18 U.S.C. 1905; 26 U.S.C. 6103; 26 U.S.C. 7213.  
Federal Trade Commission: 15 U.S.C. 46(f).

The statutes most frequently cited in initially denying an FOI Act request (pursuant to 5 U.S.C. 552(b)(3)) are listed below (percentages are approximate due to discrepancies in the data on this point):

## STATUTORY CITATION AND USE

38 U.S.C. 3301: 486 (18%).  
50 U.S.C. 403(d) with 403g: 478 (18%).  
39 U.S.C. 410(c)(1), (2), (5): 248 (9%).  
7 U.S.C. 1373(c): 204 (8%).

At the administrative appeal stage, four provisions of law (cited in conjunction with 5 U.S.C. (b)(3)) accounted for almost 60 per cent of the intervening statute justifications for withholding information requested pursuant to the Freedom of Information Act. The authorities were (percentages are approximate due to discrepancies in the data on this point):

## STATUTORY CITATION AND USE

50 U.S.C. 403(d)(3) with 403g: 110 (20%).  
26 U.S.C. 6103: 75 (13%).  
18 U.S.C. 1095: 72 (13%).  
26 U.S.C. 7213: 71 (13%).

Among the other bases for initially declining a request pursuant to the Freedom of Information Act, the agencies most fre-

quently cited non-possession of the record sought (over 3,200 instances) and, as the second most often reported reason for such refusal, inadequate identification of the material at issue (almost 1,600 instances). Although statistics regarding other bases for initially declining an FOI Act request are incomplete; it appears that the non-possession claim constituted almost 50 per cent of the category while the inadequate identification explanation composed over 20 per cent of the other bases cited. No such dramatic statistics were reported with regard to other bases of refusal at the appellate stage.

Of the FOI Act administrative appeals acted upon by the Federal departments and agencies during 1975, 15 per cent were granted in full, 48 per cent were denied in full, and 37 per cent were denied in part. These statistics do not include appeals pending before an agency head but, rather, cases resolved to the extent that no additional administrative action was anticipated.

With regard to costs incurred by the Executive Branch entities in FOI Act administration during 1975, those reporting the highest expenses were the Treasury Department (\$3,337,000), the Department of Health, Education and Welfare (\$2,365,000), the Veterans Administration (\$1,631,400), and the Central Intelligence Agency (\$1,392,000). However, many agencies reportedly realized costs not in excess of \$500,000 and quite a few cited "negligible" expenses which were absorbed by the normal operating budget of the unit.

While the Executive has recently obtained a ruling (*Open America v. Watergate Special Prosecution Force*, Civil Action No. 76-1371, July 7, 1976) from the Court of Appeals (District of Columbia Circuit) that, when a large quantity of records is requested and the information operations of an agency are slowed, the timeframes set by the 1974 amendments to the FOI Act are "not mandatory, but directory," an examination of somewhat incomplete statistics on this point supplied by approximately 90 agencies indicates that only about a third of them cited any instance when they sought any ten-day extension of the administrative deadlines and of these, only six entities, excepting the Central Intelligence Agency and the Justice Department, found it necessary to obtain such an extension in more than a dozen cases.

This completes the narrative summary of general findings with regard to the 1975 Freedom of Information Act annual reports of Executive Branch departments and agencies. Detailed information with regard to these reports, to the extent it was provided, is depicted in the tables following this summary.

## FREEDOM OF INFORMATION ACT (5 U.S.C. 552): FREQUENCY OF EXEMPTION CITATION, 1975

Agency	Exemptions								
	1	2	3	4	5	6	7	8	9
Executive Office:									
Central Intelligence Agency	301	98	478	7	148	272	208	0	0
Council of Economic Advisors	0	0	0	0	0	0	0	0	0
National Security Council	37	0	12	0	17	1	0	0	0
Office of Management/Budget	4	0	4	0	0	0	0	0	0
Office of Special Representative/Trade	0	0	0	0	0	0	0	0	0
Office of Telecommunications	0	0	0	0	0	0	0	0	0
Council on Wage/Price Stability	0	0	0	0	0	0	0	0	0
Total	342	98	494	7	172	273	208	0	0
Departments:									
Agriculture	0	4	213	44	25	882	77	0	0
Commerce	3	5	30	33	28	8	6	0	0
Defense:									
Air Force	34	24	2	58	246	224	124	0	0
Army	29	9	6	39	109	77	302	0	0
Navy	29	6	4	15	81	27	175	0	0
Other units	121	28	83	43	109	66	93	0	0
Health/Education/Welfare	1	2	415	212	114	100	97	0	0
Housing/Urban Development	0	0	5	17	25	12	33	1	0
Interior	0	0	6	42	44	36	4	0	5
Justice	359	857	175	47	2,357	1,166	4,822	0	0
Labor	1	22	3	179	665	19	1,214	0	0

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Agency	Exemptions								
	1	2	3	4	5	6	7	8	9
State	138	10	12	25	67	117	107	0	0
Agency/International/Development	1	0	0	4	8	3	8	0	0
Transportation	6	7	40	52	83	98	32	0	0
Treasury	49	47	213	286	333	141	767	43	2
Total	771	1,021	1,206	1,096	4,194	2,976	7,865	44	7
Independent agencies:									
ACTION	0	0	0	0	0	0	0	0	0
Administrative Conference	0	0	0	0	0	0	0	0	0
American Battle Monuments/Commission	0	0	0	0	0	0	0	0	0
American Revolution Bicentennial	0	0	9	8	7	0	13	0	0
Civil Aeronautics Board	0	0	7	1	5	1	0	0	0
Commission on Civil Rights	0	0	0	0	0	0	0	0	0
Commission on Fine Arts	0	0	0	0	0	0	5	0	0
Commodity Future Trading Commission	0	1	1	2	5	7	6	0	0
Community Services Administration	0	0	0	12	3	5	3	0	0
Consumer Product Safety Commission	0	0	0	0	0	0	0	0	0
Emergency Loan Guarantee Board	0	0	0	9	7	9	6	0	0
Energy Research/Development/Administration	4	2	4	81	23	4	3	0	0
Environmental Protection Administration	0	0	0	0	26	4	107	0	0
Equal Employment Opportunity	0	0	115	6	3	0	0	0	0
Export-Import Bank	0	0	0	3	3	0	0	0	0
Farm Credit Administration	0	0	0	0	0	0	0	0	0
Federal Coal Mine Health	0	9	0	25	21	11	7	0	0
Federal Communications Commission	0	0	0	12	3	4	0	25	0
Federal Deposit Insurance	0	14	1	101	32	5	36	0	1
Federal Energy Administration	0	0	0	28	6	6	3	37	0
Federal Home Loan Bank Board	0	0	0	0	0	0	0	0	0
Federal Labor Relations Council	0	0	0	1	3	0	0	0	0
Federal Maritime Commission	0	0	0	0	0	0	0	0	0
Federal Mediation/Conciliation	0	1	0	3	9	1	0	0	0
Federal Power Commission	0	1	2	15	17	2	2	20	0
Federal Reserve System	0	14	11	109	240	51	231	0	3
Federal Trade Commission	0	0	0	0	0	0	0	0	0
Foreign Claims Settlement Commission	0	4	7	27	13	5	3	0	0
General Services Administration	0	0	0	0	0	0	0	0	0
Indian Claims Commission	0	0	0	0	0	0	0	0	0
Inter-American Foundation	0	0	0	1	12	0	14	0	0
Interstate Commerce Commission	0	1	2	0	0	0	0	0	0
International Boundary and Water	0	0	0	0	0	0	0	0	0
Legal Services Corporation	0	0	0	0	0	0	0	0	0
Marine Mammal Commission	0	0	0	64	25	10	7	0	0
National Aeronautics/Space Commission	0	9	0	0	0	0	0	0	0
National Capital Planning Commission	0	0	0	8	0	0	0	0	0
National Credit Union	0	0	0	0	0	0	0	0	0
National Endowment/Arts/Humanities	0	14	0	6	392	68	1,117	0	0
National Labor Relations Board	0	0	0	0	4	0	3	0	0
National Mediation Board	0	0	0	0	0	0	0	0	0
National Railroad Passenger Corporation	0	0	0	0	15	28	2	0	0
National Science Foundation	0	0	0	0	0	0	0	0	0
National Transportation Safety Board	1	3	1	8	17	7	6	0	1
Nuclear Regulatory Commission	0	0	0	1	0	0	0	0	0
Occupational Safety/Health Administration	0	1	0	3	1	1	0	0	0
Overseas Private Investment Corporation	0	2	0	0	6	1	1	0	0
Panama Canal Company	0	0	0	0	0	0	0	0	0
Pennsylvania Avenue/Development	0	0	1	1	1	0	0	0	0
Pension Benefit Guarantee Corporation	0	0	0	0	0	0	0	0	0
Postal Rate Commission	0	0	0	0	0	0	0	0	0
Privacy Protection Study Commission	0	0	0	0	0	2	0	0	0
Railroad Retirement Board	0	0	112	2	1	0	0	0	0
Renegotiation Board	0	0	0	0	0	0	0	0	0
Securities and Exchange Commission	1	14	13	49	199	14	379	10	0
Selective Service System	0	0	0	0	0	0	0	0	0
Small Business Administration	0	0	2	3	4	2	2	0	0
Tennessee Valley Authority	0	0	0	2	3	0	0	0	0
U.S. Arms Control/Disarmament	4	0	1	0	0	0	0	0	0
U.S. Civil Service Commission	0	73	1	6	272	95	347	0	0
U.S. Information Agency	0	1	2	4	1	0	0	0	0
U.S. International Trade Commission	0	0	1	0	0	0	0	0	0
U.S. Postal Service	0	6	248	2	23	169	251	0	0
Veterans Administration	2	12	520	3	3	94	4	0	0
Water Resources Council	0	0	0	0	0	0	0	0	0
Total	12	182	1,059	605	1,406	607	2,560	94	5
Executive Office	342	98	494	7	172	273	208	0	0
Departments	771	1,021	1,206	1,096	4,194	2,976	7,865	44	7
Independent agencies	12	182	1,059	605	1,406	607	2,560	94	5
Total (27,300)	1,125	1,301	2,759	1,708	5,772	3,856	10,629	138	12
Percent (100)	4	5	10	6	21	14	39	1	0

ANNOUNCEMENT OF VANIK VOTE  
ON WILD AND SCENIC RIVERS  
ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, on August 9, I was present and voted for passage of the bill, H.R. 13372, amending the Wild and Scenic Rivers Act.

On that vote the electronic voting system improperly recorded me as not voting. I would like a permanent record.

corrected to indicate my presence and vote for the bill.

## FREIGHT CLAIMS LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. LONG) is recognized for 15 minutes.

Mr. LONG of Louisiana. Mr. Speaker, today I am introducing the Freight Claims Settlement Act which would amend the Interstate Commerce Act to expedite the process by which freight

claims are settled and bring about a greater measure of equity and fairness to claim settlement procedures.

Briefly my bill would assess carriers with an automatic penalty of \$10 a day or one-fiftieth the amount of the claim each day disposition is delayed beyond the 4-month deadline set forth in existing ICC regulations. It would apply to claims against all common carriers, contract carriers, or transportation companies lodged by the shipping public.

My purpose in introducing this legislation is to try to restore some balance

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## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Executive Registry

76-5082

FROM:

Legislative Counsel  
7D35 HQ

EXTENSION

NO.

DATE

27 August 1976

STATOTHR

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S  
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. DDCI

2.

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Thought you might be interested in the attached article from the 25 August Congressional Record summarizing a Library of Congress study for Representative Abzug's Subcommittee on Executive agency FOIA activities.

George L. Cary  
Legislative Counsel

STATINTL

OLC

DDCI

ROUTING SLIP

TO	ACTION	INFO	DATE	INITIAL
DDCI				
1		X	8-30-76	ruh
2		X		
J. Taylor				

SUSPENSE \_\_\_\_\_  
Date

Remarks:

2 - Leave to you to advise DDCI  
of significance of all this - if such there is.

*[Signature]*

20/8/76  
Date

ILLEGIB